



Millville/000002

ATTACHMENT A
COUNTY OF CUMBERLAND
USE OF FORCE REPORT

INCIDENT NUMBER:

A. Incident Information

Date:	Time:	Day of Week:	Location:	Incident Number:
02/25/18	20:22	Sunday	612 West Main Street, Millville,	18-04900
Type of Incident: <input type="checkbox"/> Crime in Progress <input type="checkbox"/> Domestic <input type="checkbox"/> Suspicious Person <input type="checkbox"/> Traffic Violation <input checked="" type="checkbox"/> Other Type of Call (Specify: DWI) <input type="checkbox"/> Other Dispute			Type of Person: <input checked="" type="checkbox"/> Under the Influence <input type="checkbox"/> Other Unusual Condition (Specify: _____)	

B. Suspect(s) Information (only those persons who were subjects of police use of force)

Name,(Last, First, Middle)	Arrest?	Charge(s)	Sex	Race	Age	Weapon?	Susp. Injured?	Hospital?
Capps, Audra	Yes	Resisting, DWI	F	Cauc	50	No	No	No

(Check Yes for injury / hospital resulting from police use of force)

C. Level of Suspect(s) Resistance (check all that apply)

Suspect...	Suspect #1	Suspect #2	Suspect #3
...resisted Police Officer control	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...physical threat / attack on Police Officer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...threatened / attacked Police Officer with blunt object	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...threatened / attacked Police Officer with Knife/Cutting object	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...threatened / attacked Police Officer with motor vehicle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...threatened Police Officer with firearm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...fired at Police Officer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...Other (Specify: _____)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

D. Type of Force Used (check all that apply)

Type of Force Used: <input checked="" type="checkbox"/> Compliance Hold <input type="checkbox"/> Hands/Fists <input type="checkbox"/> Chemical/Natural Agent <input type="checkbox"/> Kicks/Feet <input type="checkbox"/> Strike/Use Baton or Other Object <input type="checkbox"/> Canine <input type="checkbox"/> Other Force Specify: _____	Firearms Discharge: Number of Shots Fired: _____ Number of Hits: _____ [Use "UNK" if unknown]
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E. Officer Information

Name,(Last, First, Middle)	Badge #	On-Duty?	Uniform?	Officer Injured?	Taken to Hospital?
P.O. Joseph Dixon 172	172	Yes	Yes	No	No
Signature:			Police Officer Assignment:		
(SUPERVISOR) I hereby certify that I have reviewed this Use of Force report for accuracy and completeness and have promptly address any issues as they may pertain to policy interpretation, training, weapons or equipment, or discipline. Recommendations to modify policy; apply remedial training beyond what can be performed by me; change weapons, equipment or tactics; or apply discipline beyond my capabilities shall be thoroughly documented and forwarded through the chain of command to the Chief of Police.					
Print Supervisor Name:			Supervisor Signature:		
Sgt. John Redden III 102			Sgt. John Redden III 102		

(7/2010)



18 South High Street, Millville, NJ 08332

Investigation Report

Millville/000004



Millville Police Department
18 South High Street, Millville, NJ 08332
Phone: 856-825-7010 Fax: 856-825-2899 Mun. Code: 0610
Investigation Report



Narrative Continued (Page 2)

Case Number

18-04900

Sunday, February 25th, 2018 @2022 Hrs

SCENE: On the above date and time I was dispatched to the area of East Main Street and the Center City area for a report of a possible drunk driving who was driving erratic. Prior to my arrival to the scene Ptlm. Orndorf advised he was behind the vehicle observing on West Main Street by Buck Street. Ptlm. Orndorf advised he was now stopping the vehicle in front of Clarks Liquor Store located at 612 West Main Street. I proceeded there.

Upon my arrival I observed the vehicle in question, NJ Reg [REDACTED], which was confirmed by dispatch as being the vehicle the Police Department had been receiving calls for. I approached the vehicle and was met with the driver and lone occupant of the vehicle, Audra Capps (DOB [REDACTED]/1967). As I stood next to the open drivers side front window where Capps was sitting I could smell strong odor of alcoholic beverages emanating throughout the vehicle cabin. I then spoke to Capps. It should be noted that during the course of this investigation I was wearing a department standard issue Patrol Uniform with "POLICE" in reflective lettering on the front and back of my vest.

I asked Capps for her New Jersey Driver License, vehicle registration, and proof of insurance. I observed that Capps had watery eyes which had redness to them. Both eye lids were droopy and her face was flush. As Capps handed me her documents I could observe her hands had a tremble to them. Capps handed me her drives license and insurance card but did not have the registration card. Capps was advised that I still needed her insurance card. As Capps was looking for her registration card I asked her how much she had to drink tonight referring to alcoholic beverages. Capps advised me she had nothing to drink. I observed two unopened twelve ounce cans of Miller Lite alcoholic beer in the front passenger seat. I asked Capps where the rest of the beer was and she responded with "there aren't anymore". Capps speech was slurred during conversation.

It should be noted that while Capps was looking for her registration card it was in plain view to myself and Ptlm. Orndorf on the other side of the vehicle. The item was in the open glove compartment box. Capps was advised that it was visible in the glove box. It still took Capps multiple tries to locate the item to hand to me.

I advised Capps the she would need to exit the vehicle for Standardized Field Sobriety Tests. Capps did not exit the vehicle stating she did not do anything wrong. I advised Capps that if she did not exit the vehicle for the tests that she would be arrested. Capps then pulled out her cellular phone and began to call her husband. I took the phone from Capps and commanded her to exit the vehicle onto the parking lot for the field sobriety tests.

****See Page 3****

Officer of Record:

Date:

P.O. Joseph Dixon 172

02/25/18

Millville/000005



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Narrative Continued (Page 3)	Case Number 18-04900
<p>Capps did not exit the vehicle and then began to question what she did wrong. I advised her that she is required to perform the field sobriety tests. Capps was again commanded to exit the vehicle. Capps insisted that she call her husband. I advised her she was not calling her husband at this time. Capps was advised once again if she did not exit the vehicle she would be placed under arrest. I advised Capps that if she did not exit the vehicle that this was her final warning and she would be arrested. Capps stated she had done nothing wrong. Capps then exited the vehicle and headed towards the front of my MVR that was inside my marked patrol vehicle located in the parking lot of the liquor store.</p> <p>Field Sobriety Tests were now given.</p> <p>TEST ONE: HORIZONTAL GAZE NYSTAGMUS(HGN)</p> <p>The first test to be given was the HGN test. I advised Capps to stand with her feet together as I explained the test. I asked Capps if she had any medical issues with her eyes. Capps responded in the negative. I advised Capps to look at the tip of my pen. I then advised the pen would be moving horizontally from left to right. Capps was advised to follow the pen as it moves with just her eyes, not moving her head.</p> <p>Capps was first checked for equal pupil size and resting nystagmus. I then moved my pen and checked for smooth tracking. Capps did not have smooth tracking. The pen was held approximately 12 inches away from Capps face and slightly above eye level. Capps began to move her head during the test in which I told her to stop moving her head. Capps was then advised to look at the pen due to looking straight ahead as my pen was out out at maximum deviation. Capps had distinct and sustained nystagmus at both maximum deviation and prior to onset forty-five degrees.</p> <p>Test one concluded.</p> <p>TEST TWO: WALK AND TURN TEST</p> <p>The second test to be given was the walk and turn test. It should be noted that for this test Capps advised me that her left leg had metal rods in it. Capps was able to walk from the vehicle to the parking lot with no issues and confirmed she was able to walk fine. Capps was advised that I was going to place her into the starting position and then I was going to physically demonstrate the test to her. Capps was advised she was not to begin the test until I told her. Capps stated she understood.</p> <p>****See Page 4****</p>	
Officer of Record:	Date:
P.O. Joseph Dixon 172	02/25/18



Millville Police Department

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Narrative Continued (Page 4)	Case Number 18-04900
<p>Capps was advised to keep her hands at her side and to place her right foot in front of her left foot, heel touch toe and await instructions. Capps was unable to enter the starting position properly and began the test before I advised her to do so. I advised Capps to return and that she was not to make any steps or movements until I told her to do so. I asked Capps if she understood. Capps responded in the positive. Capps entered the starting position with her heel touching her toe. I advised Capps to stay in that position and that I would now demonstrate the test to her. Capps then exited the starting position. I advised her to stay in the starting position. Capps stated that she was in fact in the starting position. Once Capps was in the starting position, I began to do the test so she could see.</p> <p>Capps then began to do the test before I could give her the instructions. I advised Capps to just continue to do the test. Capps took a few steps and then stopped.</p> <p>Test two concluded, unable to follow instructions to properly perform test.</p> <p>TEST THREE: ONE LEG STAND</p> <p>The third test to be given was the one leg stand test. I again asked Capps which leg was her bad leg. Capps stated it was her left leg. Capps was advised I would explain the test to her and then physically demonstrate the test to her. I advised Capps she would raise left leg, putting her weight on her good right leg, six inches off the ground and count out loud one one-thousand, two one-thousand, three one-thousand, so on and so forth until I told her to stop. Capps was advised she could begin the test.</p> <p>Capps lifted her right leg and made it to about four one-thousand counting, put her leg back down and stumbled to her left. I advised Capps to try the test again. I observed that Capps was lifting her right leg, putting all of her weight on her claimed bad leg. I advised her to lift her bad leg which was the left one, so she could have a firm base to balance on. On the second attempt Capps lifted her leg over one foot off the ground and had this leg bent. She stopped counting and ceased attempting the test at approximately six one-thousand.</p> <p>Test three concluded. Unable to perform test.</p> <p>****See Page 5****</p>	
Officer of Record:	Date:
P.O. Joseph Dixon 172	02/25/18



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Narrative Continued (Page 5)

Case Number

18-04900

At this time I advised Capps she was under arrest for Driving While Intoxicated. Capps was commanded to place her hands behind her back. I grabbed a hold of Capps left hand and attempted to place a handcuff on her left wrist. Capps who was initially facing the same direction in front of me, turned towards me extending her arm. I commanded her to turn around, facing in the same direction as me front to back, and to place her hands behind her back.

At this time Capps was debating me arresting her and I believed she was not going to let me handcuff her. I grabbed both of her hands and brought them together behind her back. I had a hold of her hands with my right hand in order to secure them. Capps pulled her right hand from my grasp and turned slightly to the right. I attempted to grab her left arm and turn her back around facing away from me so I could place her into handcuffs. As I did this, Capps made an abrupt spin towards me and the side of my body my weapon is on. I grabbed a hold of Capps arm. Capps then tensed her arm and began to step away from me. As this was occurring I could feel her trying to free her arm from my grasp. Capps then stated "Stop It!" as she was tensing and pulling her arm.

At this time Capps was resisting arrest. I grabbed Capps with my left arm around her head. I then rolled her over my left hip which she was taken to the ground. Utilizing this take down allowed me to gain control, use my body weight to keep her to the ground, kept her head in a secure position away from hitting the ground, and allowed me complete control as quick as possible. Once on the ground Capps stated "I'm Done" and was placed into handcuffs without incident.

Capps was picked up from the ground and walked into the back of my patrol vehicle. Capps stated that I had to call her husband as she could not breathe. Capps appeared to be breathing fine at this time. Capps stated she needed to go to the hospital. Capps then stated she wanted to call her husband. Capps was advised she could call her husband once we were at the Police Department.

EN ROUTE TO THE STATION:

While en route to the station I could smell the odor of alcoholic beverages emanating throughout the cabin. This odor was not present prior to placing Capps into the back seat.

AT THE STATION:

Once at the police department I asked Capps if she needed EMS to respond to examine her. Capps declined stating she wanted to call her husband. Capps was advised we would contact her husband when we were finished processing her.

****See Page 6****

Officer of Record:

Date:

P.O. Joseph Dixon 172

02/25/18

Millville/000008



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Investigation Report



Narrative Continued (Page 6)

Case Number

18-04900

Capps was first read out loud the MPD Miranda Warning Form. Capps stated she understood her rights and declined to answer any questions at this time. Capps was then read out loud the DWI Implied Consent form. Capps stated she was not going to provide breath samples at this time. I asked her again and read the bottom portion of the form and Capps declined to provided breath samples. Capps went on to further state that I am "slow" and don't know how to read.

Patrolman Delfinado who was running the alcotest machine to stand next to him and gave her another opportunity to provide breath samples. Capps refused to get up from the chair and stated that she was not going to provide breath samples at this time. Capps was charged with refusal at this time. Capps husband, Douglas Gibson, arrived at the Police Department. Gibson signed off on the Potential Liability Form and Capps was released.

It should be noted that from time Capps was brought inside of the Police Department she made no further complaints of being injured and needing to go to the hospital. Once Capps was in sight of Gibson, she began to limp and cry "We need to go to the hospital". Capps left the department at this time.

Capps was issued the following traffic summons.

- 215581 for 39:4-50 DWI
- 215582 for 39:4-96 Reckless Driving
- 215583 for 39:4-50.2 Refusal To Submit To Breath Testing

Capps was charged with 2C:29-2A(1) on summons S 2018 000342.

DVD's of incident will be logged into evidence once they are available.

Capps ROR pending court.

See supplemental and DWI related reports for further.

Officer of Record:

Date:

P.O. Joseph Dixon 172

02/25/18



Millville Police Department

18 South High Street, Millville, NJ 08332
Phone: 856-825-7010 Fax: 856-825-2899 Mun. Code: 0610
Supplemental Investigation Report



Incident Details:													
Case Number	Time Reported	Date Reported	Time Occurred	Date Occurred	Occurrence Between Date / Time of	Time Occurred	Date Occurred	911	Complete				
18-04900A	20:22	02/25/18								X			
Incident Type:				Incident Location:									
Driving While Intoxicated 39:4-50				Street # 612 Street Name West Main Street				Intersection / Cross Street of:					
				Business / Common Location Name Clark's Liquor									
Contact Information: Victim Suspect Complainant Witness Driver Arrest Patient Missing Location Other													
Code	Contact Name #1	MI	Suffix	Age	Sex	Race	DOB	SSN					
A	Capps, Audra			50	F	1B	1967	2-4132					
Address						Home Phone		Cell Phone					
100 E. Main St., Greenwich, NJ 08323-2408													
Code	Contact Name #2	MI	Suffix	Age	Sex	Race	DOB	SSN					
Address						Home Phone		Cell Phone					
Code	Contact Name #3	MI	Suffix	Age	Sex	Race	DOB	SSN					
Address						Home Phone		Cell Phone					
Code	Contact Name #4	MI	Suffix	Age	Sex	Race	DOB	SSN					
Address						Home Phone		Cell Phone					
Property Information:													
Value of Stolen Property		Currency	Jewelry	Furs	Clothing	Auto	Misc.	Total					
Value of Stolen Property Recovered													
Automobile Information:													
1	Vehicle Code	Year	Make	Body Type	Color	Registration	State	VIN					
	Arrestee	03	JEE	WAGON	GRA		NJ						
2													
3													
4													
Narrative:													
<p>Narrative</p> <p>On 2/25/18 at approximately 20:22 hrs Dispatch advised officers there was a vehicle that may be a DWI, and it was in the area of East Main St. and 10th St. Description of the vehicle was a gray Jeep Grand Cherokee.</p> <p>I left the police station and was able to locate the vehicle at the intersection of East Main St. and 5th St., traveling west. I performed a U-Turn and closed the gap at East Main St. and 2nd St. intersection. My MVR was activated, and begun to observe the driving behavior of the driver in vehicle NJ Reg [REDACTED] (suspected vehicle described above).</p>													
Officer of Record:		Date:	Other Reports Filed:					Reviewed By:					
P.O. Bryan Orndorf 183		02/25/18	MVA	Arrest	DV	DWI	X	DWIQ	Tow	X	SD	CI	TRO
			SHA	Prop.	Evdn	UOF	Prst	Supp	X	Juv	Bias	Pris	163



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Supplemental Investigation Report



Narrative Continued (Page 2)

Case Number

18-04900A

When following NJ Reg [REDACTED] west bound on West Main St. I observed the vehicle swerve many times before I stopped the vehicle. I observed the vehicle ride the fog line in the 100 block of West Main St. before the intersection of Brandriff Ave. Again right after the intersection of West Main St. and Park Ave. the vehicle rode the fog line, continuing west. When the vehicle passed the entrance to Woodview Condominiums (521 West Main St.), the vehicle again drove on the fog line.

After observing the vehicle swerve multiple times, I performed a motor vehicle stop on West Main St. in front of Clarks Liquor Store. I approached the vehicle and made contact with the driver (Audra Capps). I advised the driver why she was stopped, and I could smell a strong odor of alcoholic beverages emanating from the vehicle. When speaking with Capps, Ofc. Dixon approached and took over the motor vehicle stop. I walked over to the front passenger side and observed a sealed Miller Lite can on the front passenger seat.

Ofc. Dixon asked me to move his patrol vehicle (921) into the parking lot of Clarks Liquor Store. After moving the vehicle, Ofc. Dixon performed the Field Sobriety Test on Capps. Test one was the Horizontal Gaze Nystagmus, I am not trained on the tests I just observed Ofc. Dixon perform them.

While Ofc. Dixon was performing the second test (Walk and Turn), what I could observe Capps was not listening to the directions given to her by Ofc. Dixon. She started the Walk and Turn test before Ofc. Dixon advised her to start, and did not walk in a straight line as directed. Ofc. Dixon then started the final test, One Leg Stand. After directions were given to Capps, she was unable to perform the One Leg Stand test.

Ofc. Dixon then advised Capps she was under arrest. I advised Dispatch to call for a tow truck. When Ofc. Dixon was putting Capps into handcuffs, she resisted and was put on the ground by Ofc. Dixon.

After Ofc. Dixon gain controlled of Capps she was handcuffed, and put into the patrol vehicle, and taken back to Millville PD. I waited on scene for the tow truck. When securing the vehicle, I located an open container, Miller Lite can, in the center console that was covered by a jacket. I emptied the can out onto the roadway. Rulyn's Towing arrived on scene to take Capps vehicle. Once the vehicle was taken, I cleared from the scene to issued summons 214073 for Failure to maintain lane 39:4-88b and summons 214074 for Possession of an open container of alcohol in a vehicle 39:4-51b.

Officer of Record:

Date:

P.O. Bryan Orndorf 183

02/25/18

Millville/000011



Millville Police Department

18 South High Street, Millville, NJ 08332
Phone: 856-825-7010 Fax: 856-825-2899 Mun. Code: 0610
Supplemental Investigation Report



Incident Details:											
Case Number	Time Reported	Date Reported	Time Occurred	Date Occurred	Occurrence Between Date / Time of	Time Occurred	Date Occurred	911	Complete		
18-04900B		02/25/18	20:38	02/25/18					X		
Incident Type:				Incident Location:							
Assist Own Agency (Backup)				Street #			Street Name		Intersection / Cross Street of:		
				612			West Main Street				
				Business / Common Location Name							
				Clark's Liquor							
Contact Information: Victim Suspect Complainant Witness Driver Arrest Patient Missing Location Other											
Code	Contact Name #1	MI	Suffix	Age	Sex	Race	DOB	SSN			
S	Capps, Audra			50	F	1B	01/1967		-4132		
Address						Home Phone		Cell Phone			
[REDACTED], Greenwich, NJ 08323-2408											
Code	Contact Name #2	MI	Suffix	Age	Sex	Race	DOB	SSN			
Address						Home Phone		Cell Phone			
Code	Contact Name #3	MI	Suffix	Age	Sex	Race	DOB	SSN			
Address						Home Phone		Cell Phone			
Code	Contact Name #4	MI	Suffix	Age	Sex	Race	DOB	SSN			
Address						Home Phone		Cell Phone			
Property Information:											
Value of Stolen Property		Currency	Jewelry	Furs	Clothing	Auto	Misc.	Total			
Value of Stolen Property Recovered											
Automobile Information:											
1	Vehicle Code	Year	Make	Body Type	Color	Registration	State	VIN			
2											
3											
4											
Narrative:											
Narrative 2/25/18											
On this date being a certified Alcotest Operator I had conducted a 20 minute observation period on subject Audra Capps that started at approximately 20:38 hrs. During the observation subject was sitting in the chair arguing with the arresting Officer on why she was pulled over and refused to answer any questions that the officer has asked to conduct the DWI procedure. After to 20 minute observation was complete the Alcotest was being prepared to collect breath samples of the subject. When it was time to collect breath samples the subject would not stand near the alcotest machine and made a statement of "I'm not going near that thing". She was advised of what "that thing" is											
Officer of Record:		Date:	Other Reports Filed:					Reviewed By:			
P.O. Antonio Delfinado 127		02/25/18	MVA	Arrest	DV	DWI	X DWIQ	Tow	X SD	CI	TRO
			SHA	Prop.	Evdn	UOF	Prst	Supp	X Juv	Bias	Pris
102											



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Narrative Continued (Page 2)

Case Number

18-04900B

but still refused to give samples of her breath. She was given the opportunity three times specifically by asking her to give samples of her breath for test purposes. She was then advised that if she does not give samples of her breath it will constitute as a Refusal. She stood quiet for a second and stated that she refuses to go near "that thing".

At that time the test was deemed REFUSAL as she would not cooperate with the test procedure. The Test results of the Alcotest was printed out and a copy of the REFUSAL was given to the arresting Officer.

Officer of Record:

Date:

P.O. Antonio Delfinado 127

02/25/18